

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DOMAINMARKET, LLC D/B/A
DOMAINMARKET.COM.

Plaintiff,

v.

LAKES GAS CO.,

Defendant

No. 2:19-cv-01089-RSJ

**STIPULATED MOTION FOR DISMISSAL
WITH PREJUDICE PURSUANT TO FED.
R. CIV. P. 41(a)(2)**

NOTE ON MOTION CALENDAR:

Plaintiff DomainMarket, LLC d/b/a DomainMarket.com (“Plaintiff”) and Defendant Lakes Gas. Co. (“Defendant”) hereby move for dismissal of all claims in the instant action without prejudice under Rule 41(a)(2) of the Federal Rules of Civil Procedure and in support thereof state as follows:

(1) Defendant commenced a proceeding with the World Intellectual Property Organization (WIPO) pursuant to the Uniform Domain Name Dispute Resolution Policy (UDRP) (Case No. D2019-0830 (WIPO June 21, 2019)) against Plaintiff and the WIPO panelist ordered the transfer of the domain name LAKESGAS.COM from Plaintiff to Defendant (the “UDRP Decision”). See Dkt. # 1 at ¶¶ 1, 21-23.

**STIPULATED MOTION FOR DISMISSAL
(No. 2:19-cv-01089-RSL) -1**

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(2) Plaintiff initiated this action seeking a declaratory judgment under the trademark laws of the United States and Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1051 *et seq.*, for a *de novo* review of the UDRP Decision. *See generally* Dkt. # 1.

(3) Defendant denies that Plaintiff is entitled to the relief sought in the Complaint.

(4) The parties seek to avoid the costs of litigation and have agreed to resolve all disputes in this litigation, and as part of such resolution, the parties agree that the UDRP Decision should be vacated such that:

- (a) Defendant had a good faith belief at the time it filed the UDRP proceeding against Plaintiff that its rights were being violated;
- (b) Plaintiff's interests in the LAKESGAS.COM domain name are legitimate;
- (c) Plaintiff did not register or use the LAKESGAS.COM domain name in bad faith; and
- (c) Plaintiff's registration and current use of the LAKESGAS.COM domain name do not violate Lakes Gas Co.'s rights under the Lanham Act, 15 U.S.C. §§ 1114, 1125(a) and 1125(d), and the UDRP.

(5) Plaintiff has agreed to sell the LAKESGAS.COM Domain Name to Defendant pursuant to a settlement agreement between the parties.

Based on the parties' agreement, including the foregoing, Plaintiff and Defendant respectfully request that the Court issue an Order:

(1) dismissing all claims in the instant action with prejudice and with each party bearing its own costs and attorneys' fees;

(2) directing the WIPO to vacate and/or withdraw the June 21, 2019 Decision ordering the LAKESGAS.COM domain name to be transferred from Plaintiff to Defendant as requested by Defendant in its UDRP complaint; and

(3) directing eNom, LLC, the registrar for the LAKESGAS.COM domain name, and/or VeriSign, Inc. registry operator for the .com registry, to remove any suspensions, locks, holds or other restrictions imposed upon the LAKESGAS.COM domain name as a result of the WIPO panelist's June 21, 2019 order.

Dated: September 6, 2019

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Dated: September 6, 2019

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**STIPULATED MOTION FOR DISMISSAL
(No. 2:19-cv-01089-RSL) -3**

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ORDER

IT IS SO ORDERED.

Dated: Sept. 9, 2019

**Robert S. Lasnik
United States District Judge**

Robert S. Lasnik
United States District Judge

**STIPULATED MOTION FOR DISMISSAL
(No. 2:19-cv-01089-RSL) -4**

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